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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ARTHUR L. CAHOON; GLENGARRIFF :
VENTURES, LLC; ANTONIO R. SANCHEZ, JR., :
individually and as Trustee of THE SANCHEZ :
SPOUSAL TRUST; ANGELINA VENTURES, LLC; :
THE GEORGE M. SANCHEZ OIL & GAS TRUST :
and ARS, JR., GMS NON-EXEMPT REMAINDER :
TRUST, KELSEY V. STEWART OIL & GAS TRUST, :
and RICHARD A. STEWART OIL & GAS TRUST, as :
beneficiaries of THE GEORGE M. SANCHEZ :
OIL & GAS TRUST; MEDINA VENTURES, LLC; :
THE SANCHEZ MARITAL TRUST and ARS JR., :
GMS NON-EXEMPT REMAINDER TRUST, :
KELSEY L. STEWART OIL AND GAS TRUST :
AND RICHARD A. STEWART OIL & GAS TRUST, :
as beneficiaries of THE SANCHEZ MARITAL :
TRUST; RED VENTURES, LLC; THE SANCHEZ :
SPOUSAL TRUST; and PECOS VENTURES, LLC, :
:

Plaintiffs, :

- against - :

BAYERISCHE HYPO- UND VEREINSBANK AG; :
BAYERISCHE HYPO- UND VEREINSBANK :
AG – NEW YORK BRANCH; UNICREDIT :
U.S. FINANCE INC. and HVB RISK MANAGEMENT :
PRODUCTS, INC., :
:

Defendants. :
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11 Civ. 1891 (RMB)

ECF CASE

NOTICE OF MOTION

PLEASE TAKE NOTICE that Defendants Bayerische Hypo- und Vereinsbank AG; Bayerische Hypo- und Vereinsbank AG New York Branch; UniCredit U.S. Finance Inc.; and HVB Risk Management Products, Inc., upon the annexed Declaration of Mark W. Lerner, executed June 17, 2011, the exhibits annexed thereto, the accompanying Memorandum of Law, dated June 17, 2011, and all prior pleadings, shall move this Court before the Honorable Richard M. Berman, at the United States Courthouse located at 500 Pearl Street, New York, New York, by their undersigned counsel, for an Order dismissing this action pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Case Management Plan filed on May 31, 2011, plaintiffs' Opposition to this motion, if any, is due on July 14, 2011 and defendants' Reply is due on August 4, 2011.

Dated: New York, New York
June 17, 2011

Respectfully submitted,

KASOWITZ, BENSON, TORRES
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By: /s/ Mark W. Lerner
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